In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.18071 of 2006

Date of Decision: 13.3.2007

Sukhchain Singh

…Petitioner.

Versus

State of Punjab & Others.

…Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: None

JUDGMENT

M.M.KUMAR, J. (ORAL)

By order dated 28.4.1998 (Annexure P4) the petitioner was awarded punishment of stoppage of two increments with cumulative effect after holding regular departmental enquiry by the respondent-Board. The aforementioned order was challenged by the petitioner by filing civil suit, as per the averment made by him in para 11 of the writ petition, seeking a declaration that the order dated 28.4.1998 is null and void as the same has been passed by incompetent authority against the principles of natural justice. The civil suit was dismissed vide judgment & decree dated 25.2.2006. The appeal against the aforementioned judgment & decree was also dismissed by the learned Additional District Judge. Still further the petitioner challenged the judgment & decree of the Courts below in R.S.A. No.3702 of 2006. The appeal was dismissed as withdrawn as per the prayer made by learned

counsel for the petitioner.

After going through the aforementioned judicial process, the petitioner has challenged the order dated 28.4.1998 again by filling the instant petition which is apparently misuse of the process of the Court. It is well settled that the judicial order cannot be made subject matter of challenge in a petition filed under Article 226 of the Constitution especially when appellate forums are available for rectification of any error as has been held by a Constitution Bench of Hon'ble the Supreme Court in the case of **"Naresh v. State of Maharashtra" A.I.R. 1967 Supreme Court 1**. There is no merit in the petition. Consequently, the same is dismissed.

(M.M.KUMAR)
Judge

March 13, 2007 **(RAJESH BINDAL)**
dkb **Judge**